

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL KLEEBERG, et al.,

Plaintiffs,

-against-

WENDY EBER, in her individual  
capacity and as Executrix u/w/o LESTER EBER, et al.,

Defendants.

16-cv-9517(LAK)

**ORDER**

WHEREAS, a trial of this matter was held from September 14, 2021, through September 22, 2021, and at the conclusion, the Court reserved decision;

WHEREAS, on September 22, 2021, the Court entered temporary injunctive relief orally on the record for a period of 14 days and extended same for an additional period of 7 days;

WHEREAS, the Court issued an Order and Preliminary Injunction dated October 14, 2021 (the “10/14/2021 Order”) (Doc. No. 405);

IT IS NOW ORDERED that the following transactions are excluded from the 10/14/2021 Order on the following conditions:

1. Eber-Connecticut, LLC (“Eber-CT”) may make a distribution to Eber Bros Wine & Liquor Metro, Inc. (“Eber Metro”) within 3 days of the date of this Order in respect of its 2021 tax year, in an amount certified by Eber-CT’s accountant in his Declaration, dated September 9, 2022, provided that the proceeds of such distribution may only be used by Eber Metro to pay taxing authorities in respect of Eber Metro’s income tax obligations.

2. Eber-CT may make a distribution to Wendy Eber within 3 days of the date of this Order in respect of Eber-CT's 2021 tax year, in an amount certified by Eber-CT's accountant in his Declaration, dated September 9, 2022.

3. Eber-CT may make a distribution to Eder-Goodman, LLC, within 3 days of the date of this Order in respect of Eber-CT's 2021 tax year, in an amount certified by Eber-CT's accountant in his Declaration, dated September 9, 2022.

4. The provisions of the 10/14/2021 Order, except as stated herein, remain in full force and effect.

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Honorable Lewis A. Kaplan  
United States District Judge